

COMMITTEE ON FINANCE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Steve M. Vaughn, District No. 5

A Special Meeting of the COMMITTEE ON FINANCE met on Monday, October 21, 2002 Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 8:50 p.m.

PRESENT: Mr. Steve M. Vaughn, Councilmember District No. 5, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. James H. Rozier, Jr., Supervisor, ex officio; Ms. Nicole Scott Ewing, Staff Attorney; and Ms. Barbara Austin, Clerk to County Council. Mr. Steve C. Davis, Councilmember District No. 8, was excused from this Committee meeting.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and agenda of this meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the media, organizations and citizens.

Chairman Vaughn called the meeting to order and asked the Committee's pleasure on the Approval of Minutes for September 9, 2002; and September 16, 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve the Minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Vaughn stated that first on the agenda was Ms. Marie Wauben, Human Resources Director, Re: A-1) Grievance Committee Appointments; and 2) Transfer of personnel funds.

In the absence of Ms. Wauben, Supervisor Rozier stated the Human Resources Department Director is recommending that Yolanda Rembert, Treasurer's Department, and Bidd Smith, Roads and Bridges, be added to the Grievance Committee to replace two that were expiring.

It was moved by Councilmember Crosby and seconded Councilmember Davis to accept the recommendation of the Human Resources Department on the aforesaid names to the Grievance Committee. The motion passed by unanimous voice vote of the Committee.

Supervisor Rozier stated Item A-2 on the agenda pertains to transfer of the Risk Manager to Emergency Preparedness Department, and the Administrative Secretary to the Administrative Services Department. There was no change in salary.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve the transfers as presented. The motion passed by unanimous voice vote of the Committee.

Item B, Oliver Buckles, Chairman Berkeley County Accommodations Advisory Committee, was held.

Item C, H. Wayne DeWitt, Berkeley County Sheriff, Re: School Resources Officer.

Supervisor Rozier indicated that Sheriff DeWitt was still working on this item and would address Council with a different plan; therefore, the item would be held until further information could be obtained.

Item D, Consideration of a Resolution authorizing Grant application on behalf of the Forty-One/Wilder Community.

It was moved by Councilmember Mims and seconded by Councilmember Farley to send the Resolution authorizing Grant Application for the Forty-One/Wilder Community to Council for approval.

Supervisor Rozier stated this was a Pard Grant, which is \$11,500 from the State; the local share is \$2,875.00, which hopefully could be done with in-kind services.

The motion passed by unanimous voice vote of the Committee.

Item E, Consideration of a Resolution authorizing the County Supervisor to negotiate and execute a lease agreement between the Ernest E. Kennedy Center and Berkeley County for premises located at 106 Westview Boulevard, Goose Creek, South Carolina.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to approve the execution of a lease agreement with the Kennedy Center. The motion passed by unanimous voice vote of the Committee.

Item F, Consideration prior to First Reading of the following:

1. An Ordinance to amend the agreement for development of a Joint County Industrial Park executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters relating thereto.

It was moved by Councilmember Charles Davis and seconded by Councilmember Pinckney to send the Ordinance Re: a Joint County Industrial Park to Council for First Reading. The motion passed by unanimous voice vote of the Committee.

2. An Ordinance authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain personal property lease purchase agreement with Norton McNaughton of Squire, Inc. and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the county to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. and (b) at the election of Norton McNaughton of Squire, Inc., either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to Norton McNaughton of Squire, Inc. of the personal property leased by Norton McNaughton of Squire, Inc. from the County pursuant to the personal property lease purchase agreement) or (ii) the acceptance by the County of title to the personal property with respect to the second phase of the project and the lease of such personal property back to Norton McNaughton of Squire, Inc. and authorizing the execution and delivery of said addendums, documents and agreements.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to send the Ordinance Re: McNaughton Apparel Holdings to Council for First Reading. The motion passed by unanimous voice vote of the Committee.

3. An Ordinance authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain real property lease purchase agreement with E. and H. Ross/Charleston Industrial, LLC, a subordination, non-disturbance and attornment agreement with State Farm Life Insurance Company and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the County to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc., (b) the consent of the County to the partial assignment of the real property lease purchase agreement by E. and H. Ross/Charleston Industrial, LLC to North Point Park, LLC and (c) at the election of Norton McNaughton of Squire, Inc., E. and H. Ross/Charleston Industrial, LLC, North Point Park, LLC, and State Farm Life Insurance Company, either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to E. and H. Ross/Charleston Industrial, LLC of the real property leased by E. and H. Ross/Charleston Industrial, LLC from the County under the real property lease purchase agreement) or (ii) the acceptance by the County of title to the real property with respect to the second phase of the project and the lease of such real property back to North Point Park, LLC pursuant to the terms of the real property lease purchase agreement and authorizing the execution and delivery of said addendums, documents and agreements.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to send the Ordinance Re: E. and H. Ross/Charleston Industrial to Council for First Reading. The motion passed by unanimous voice vote of the Committee.

4. An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement and certain instruments relating thereto by and between Berkeley County and Knology of Charleston, Inc., whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Knology of Charleston, Inc.; providing for payment by Knology of Charleston, Inc. of certain fees in lieu of Ad Valorem taxes; and other matters relating thereto.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to send the Ordinance Re: Knology of Charleston to Council for First Reading.

Councilmember Crosby asked was there a bankruptcy problem with Knology?

Mr. Alan Linkous of Howell and Linkous in Charleston stated they represent Knology and there was not a problem. There was a pre-package bankruptcy that was worked out among 99 percent of the investors and stockholders with just a few holdouts and the only way to get through the logjam was through Pre-packaged Bankruptcy. He stated he didn't think that would affect service.

Mr. Carl Braun, Business Manager with Knology of Charleston stated the division that filed the Pre-packaged Bankruptcy is known as "Knology Broadband", which is a holding company. It does not affect any of the divisions they have including Knology of Charleston. Operations would continue to go forward.

Councilmember Crosby asked would it cause a problem to the County if Knology does file bankruptcy? Supervisor Rozier stated that this is simply a fee-in-lieu of taxes and the County is not obligated to anything.

The motion passed by unanimous voice vote of the Committee.

Item G. Review prior to Second Reading of Bill No. 02-55, an Ordinance authorizing the execution and delivery and sale of not exceeding \$5,000,000 aggregate principal amount of Berkeley County, South Carolina, industrial development revenue bonds; the lending of the proceeds of the bonds to provide funds to Charleston Midstream Transfer Facility, LLC (the "Company") to defray the cost of acquiring certain machinery, equipment, and other property; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the bonds, including a loan agreement between the county and the company; a trust indenture, securing such issue of bonds and prescribing matters related thereto; a bond purchase agreement; and an offering memorandum with respect to the bonds; and other matters relating thereto.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to send Bill No. 02-55 to Council for Second Reading. The motion passed by unanimous voice vote of the Committee.

Chairman Vaughn asked for Reports From Standing Committees without objection.

Councilmember Spooner objected to Reports from Standing Committee.

It was moved by Councilmember Spooner and seconded by Councilmember Mims to adjourn. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 9:00 p.m.

November 18, 2002
Date Approved

COMMITTEE ON FINANCE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Steve M. Vaughn, District No. 5

Members: Mr. Milton Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A Meeting of the COMMITTEE ON FINANCE, Standing Committee of Berkeley County Council, will be held on Monday October 21, 2002, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, following the Meeting of the Committee on Public Works and Purchasing, the Committee on Land Use and the Committee on Planning and Development at 6:00 pm.

AGENDA

EXECUTIVE SESSION to discuss matters relating to the employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body; and other matters covered by the attorney-client privilege.

APPROVAL OF MINUTES

September 9, 2002
September 16, 2002

- A. Ms. Marie Wauben, Human Resources Director, Re:
 - 1. Grievance Committee Appointments.
 - 2. Transfer of personnel funds.
- B. Mr. Oliver Buckles, Chairman Berkeley County Accommodations Advisory Committee, Re: Presentation.
- C. H. Wayne DeWitt, Berkeley County Sheriff, Re: School Resource Officers.
- D. Consideration of a Resolution authorizing Grant application on behalf of the Forty-One/Wilder Community.
- E. Consideration of a Resolution authorizing the County Supervisor to negotiate and execute a lease agreement between the Ernest E. Kennedy Center and Berkeley County for premises located at 106 Westview Boulevard, Goose Creek, South Carolina.

F. Consideration prior to First Reading of the following:

1. An Ordinance to amend the agreement for development of a Joint County Industrial Park executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters relating thereto.

2. An Ordinance authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain personal property lease purchase agreement with Norton McNaughton of Squire, Inc. and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the county to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. and (b) at the election of Norton McNaughton of Squire, Inc., either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to Norton McNaughton of Squire, Inc. of the personal property leased by Norton McNaughton of Squire, Inc. from the County pursuant to the personal property lease purchase agreement) or (ii) the acceptance by the County of title to the personal property with respect to the second phase of the project and the lease of such personal property back to Norton McNaughton of Squire, Inc. and authorizing the execution and delivery of said addendums, documents and agreements.

3. An Ordinance authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain real property lease purchase agreement with E. and H. Ross/Charleston Industrial, LLC, a subordination, non-disturbance and attornment agreement with State Farm Life Insurance Company and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the County to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc., (b) the consent of the County to the partial assignment of the real property lease purchase agreement by E. and H. Ross/Charleston Industrial, LLC to North Point Park, LLC and (c) at the election of Norton McNaughton of Squire, Inc., E. and H. Ross/Charleston Industrial, LLC, North Point Park, LLC, and State Farm Life Insurance Company, either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to E. and H. Ross/Charleston Industrial, LLC of the real property leased by E. and H. Ross/Charleston Industrial, LLC from the County under the real property lease purchase agreement) or (ii) the acceptance by the County of title to the real property with respect to the second phase of the project and the lease of such real property back to North Point Park, LLC pursuant to the terms of the real property lease purchase agreement and authorizing the execution and delivery of said addendums, documents and agreements.

4. An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement and certain instruments relating thereto by and between Berkeley County and Knology of Charleston,

Inc., whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Knology of Charleston, Inc.; providing for payment by Knology of Charleston, Inc. of certain fees in lieu of Ad Valorem taxes; and other matters relating thereto.

G. Review prior to Second Reading of Bill No. 02-55, an Ordinance authorizing the execution and delivery and sale of not exceeding \$5,000,000 aggregate principal amount of Berkeley County, South Carolina, industrial development revenue bonds; the lending of the proceeds of the bonds to provide funds to Charleston Midstream Transfer Facility, LLC (the "Company") to defray the cost of acquiring certain machinery, equipment, and other property; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the bonds, including a loan agreement between the county and the company; a trust indenture, securing such issue of bonds and prescribing matters related thereto; a bond purchase agreement; and an offering memorandum with respect to the bonds; and other matters relating thereto

WITHOUT OBJECTION – ADD:

REPORTS FROM STANDING COMMITTEES:

Committee on Justice and Public Safety
Council Member Milton Farley, Chairman

1. Sheriff's Department:
Additional personnel

Committee on Land Use
Council Member Charles Davis, Chairman

1. Register of Deeds.
Special Salary Increases

October 16, 2002
Barbara B. Austin
Clerk of County Council